

### Remarks

Claims 23-26, 28-37, 39, 40 and 42-56 remain pending in the application.

In section 3 of the office action the Examiner rejects independent claim 23 under 35 U.S.C. §102(b) as being anticipated by Lindemeier et al (US 5,335,010). Reconsideration is requested.

Lindemeier describes an "antenna diversity receiving system for mobile reception of television signals" (Lindemeier, abstract). In section 3 of the office action the Examiner argues that Lindemeier discloses all the features of claim 23 and in particular, that the phase shifters of Lindemeier (Lindemeier, Figure 6 item 24 and column 7 line 7) are equivalent to the delay element which is a feature of claim 23. The applicants, however, respectfully submit that a phase shifter is not equivalent to having "a delay element in at least one of said receive paths" (this application, claim 23) because a phase shifter and a delay element perform totally different operations. When combining two signals which arrive at a receiver at the same time, a phase shifter can arrange that the two signals add in perfect addition (constructive interference), total cancellation (destructive interference) or anywhere between these two extremes. In contrast, a delay element delays one of the two signals such that they are no longer aligned in time. Consequently the present invention as defined by claim 23 is clearly not anticipated by Lindemeier since Lindemeier does not disclose use of a delay element and the applicants respectfully submit that the rejection of claim 23 cannot be sustained.

Furthermore, it would not be possible to replace the phase shifters in the device of Lindemeier with delay elements. As described in the text of Lindemeier, delays in a receiving system for television signals are actually problematic because they lead to ghost images and should therefore be avoided (Lindemeier, column 1 lines 47-50).

Lindemeier therefore teaches away from the present invention, in teaching that delays in the signals should be avoided.

A benefit of the present invention over the system of Lindemeier can be seen clearly by comparison of Figure 2 of the present application and Figure 7 of Lindemeier. Both figures show the situation where signals are received on two antennas. Using the system of Lindemeier as shown in Figure 7 it is necessary to switch between four signals in order to arrive at the best combination. However, as shown in the present application Figure 2, this is significantly simplified by use of the present invention where it is only necessary to switch between three signals, the signal from antenna 22, the signal from antenna 24 and the combination of the signals from antennas 22 and 24.

Consequently the present invention as defined by claim 23 is clearly both novel and not obvious and the applicant respectfully submits that the Examiner's rejection under 35 U.S.C. §102 cannot be sustained.

The Examiner also rejects independent claim 39. As claim 39 includes the characterizing feature of a delay element, the above arguments are also applicable and reconsideration is requested.

Detailed arguments are not presented in respect of the dependent claims. However, the arguments of the Examiner should not be taken to be accepted.

The applicants realize that this response is being filed following a final rejection. It is submitted that this response ought to be entered and fully considered since, not only have no issues been raised, but rather issues have been reduced since the applicants have responded to the concerns of the Examiner and it is believed, satisfied them. In addition this response ought to be entered because the prior art Lindemeier was cited against the claims of the application for the first time in the

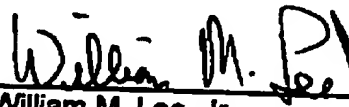
Examiner's final office action of January 5, 2004 and this is therefore the first opportunity of the applicants to respond to the prior art and explain the patentable differences of the invention which distinguish the invention from the prior art.

Supplemental declarations of the inventors are also submitted herewith.

In view of the fact that all of the Examiner's comments have been addressed, further and favorable consideration is respectfully submitted.

March 5, 2004

Respectfully submitted,



William M. Lee, Jr.  
Registration No. 26,935  
Barnes & Thornburg  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
(312) 214-4800  
(312) 759-5646 (fax)